

## **REMARKS**

### **Status of the Claims**

Claims 16, 18, 31, 34, 36, 38, 40-42 and 45-47 are currently pending in the application. Claims 16, 18, 31, 34, 36, 38, 40-42 and 45-47 stand rejected. Claims 16, 18, 31, and 36 have been amended without prejudice or disclaimer. No new matter has been added by way of the present amendments. Specifically, the amendments to the claims are to remove various acidic substances from the claim. Reconsideration is respectfully requested.

### **Interview**

Applicants and Applicants' representatives thank the Examiner for extending the courtesy of an interview on July 29, 2008. Briefly, during the interview, all issues barring allowance of the present claims were discussed. Particularly, the claim amendments filed July 11, 2008, were reviewed by the Examiner and discussed. The Examiner indicated agreement that the amendments to the claims addressed all the outstanding obviousness rejections. Applicants have additionally amended the claims herein by way of this Supplemental Amendment, without prejudice or disclaimer, to remove reference to various acidic substances. These additional amendments are believed to fully and adequately address all remaining issues concerning enablement. Therefore, reconsideration and allowance thereof are respectfully requested.

**Rejections Under 35 U.S.C. § 112, First Paragraph**

Claims 16, 18, 31, 34, 36, 38, 40-42 and 45-47 stand rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement. (*See*, Office Action of March 11, 2008, at pages 2-6, hereinafter, “Office Action”). Applicants traverse the rejection.

In further response to the outstanding Office Action, Applicants submit the enclosed claim amendments which remove various acidic substances from the claims. Particularly, the claims are believed to only encompass those acidic substances which the Examiner has indicated are fully enabled by the present specification.

Therefore, reconsideration and withdrawal of the enablement rejection of claims 16, 18, 31, 34, 36, 38, 40-42 and 45-47 are respectfully requested.

**Rejections Under 35 U.S.C. § 112, Second Paragraph**

Claim 38 stands rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. (*See*, Office Action, at pages 6-7). Applicants traverse the rejection as set forth herein.

The Examiner states that the phrase “said DNA polymerase is thermostable” is indefinite. The Examiner states that it is unclear which of the two DNA polymerases from claim 36 (from which claim 38 depends) this phrase is referring to.

Applicants note that claim 38 was amended in their response of July 11, 2008, to recite, “The kit according to claim 36, wherein at least one of said two or more kinds of DNA

polymelases is thermostable.” Applicants believe this amendment clarifies which of the two DNA polymerases from claim 36 to which claim 38 is referring.

Reconsideration and withdrawal of the indefiniteness rejection of claim 38 are respectfully requested.

### **Rejections Under 35 U.S.C. § 103(a)**

Claims 36 and 38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Al-Soud et al., *Applied Env. Microbiol.*, 64:3748-3753, 1998 (hereinafter, “Al-Soud et al.”) as evidenced by Wikipedia entry for Heparin Sulfate dated April 21, 2007 and Stratagene Catalog, page 39, 1988. (*See*, Office Action, at pages 7-8). Applicants traverse the rejection as hereinafter set forth.

Applicants respectfully refer to their comments concerning the interview, discussed above. Applicants rely on their prior claim amendments submitted in their response of July 11, 2008, which the Examiner has indicated as adequately addressing any outstanding obviousness rejection.

Reconsideration and withdrawal of the obviousness rejection of claims 36 and 38 are respectfully requested.

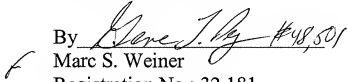
### CONCLUSION

If the Examiner has any questions or comments, please contact Thomas J. Siepmann, Ph.D., Registration No 57,374, at the offices of Birch, Stewart, Kolasch & Birch, LLP.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: AUG 18 2008

Respectfully submitted,

By  #48,501

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